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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 EVANGELINE RED and RACHEL WHITT,
10 on Behalf of Themselves and All Others
11 Similarly Situated,

12 Plaintiffs,

13 v.

14 KRAFT FOODS INC., KRAFT FOODS
15 NORTH AMERICA, AND KRAFT FOODS
GLOBAL, INC.,

16 Defendants.
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Case No. CV 10-1028- GW(AGRx)
Pleading Type: Class Action
Action Filed: February 11, 2010

**ORDER DISMISSING PLAINTIFFS'
INDIVIDUAL CLAIMS WITH PREJUDICE
& PRESERVING APPEAL ISSUES**


Judge: The Hon. George Wu
Location: Courtroom 10

1 Pursuant to a Settlement Agreement and Release between the parties, Plaintiffs'
2 claims are hereby DISMISSED WITH PREJUDICE.

3 Under the terms of the Settlement Agreement, Plaintiffs may appeal any of the
4 Court's pre-trial Orders, including those issued in response to a motion brought by
5 Defendants under Rule 12, relating to class certification, and relating to attorneys' fees.
6 Should any Court Orders denying class certification be vacated or reversed on appeal,
7 the parties have agreed, and the Court recognizes, that Plaintiffs by settling their
8 individual claims do not waive any standing they may have to seek to be appointed as
9 class representatives. *See Pitts v. Terrible Herbst, Inc.*, 653 F.3d 1081 (9th Cir. 2011).
10 If, however, Plaintiffs successfully appeal any of the Court's Orders dismissing, in part,
11 their claims on Defendants' Rule 12 motions, but are unable to reverse or vacate any
12 Court Order denying class certification, Plaintiffs may not assert their revived claims on
13 an individual basis following remand.

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15 **IT IS SO ORDERED**

16 DATED: January 30, 2014

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19 The Honorable George H. Wu
20 U.S. District Court Judge
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